REMARKS

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the Office Action mailed October 30, 2007. Applicants respectfully submit that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1, 6, 11 – 14, 16 – 17, and 19 – 38 are pending. In particular, Applicants amend claims 1, 6, 11 – 14, 16 – 17, 19 – 25, 30, and 32 and cancel claim 15 without prejudice, waiver, or disclaimer. Applicants cancel claim 15 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I.   Examiner Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Frink spent with Applicants' Attorney, Anthony Bonner, during a telephone discussion on December 18, 2007 regarding the outstanding Office Action. During that conversation, Examiner Frink and Mr. Bonner discussed potential arguments and amendments with regard to claim 1, in view of the seven (7) cited references. The general thrust of the potential principal arguments included a discussion of at least one embodiment of the present application disclosing tokenizing an attachment. Thus, Applicants respectfully request that Examiner Frink carefully consider this response and the amendments.

II.   **Rejections Under 35 U.S.C. §102**

A.   **Claim 6 is Allowable Over *Shipp***

The Office Action indicates that claim 6 stands rejected under 35 U.S.C. §102(b) as

allegedly being anticipated by U.S. Publication Number 2004/0093384 ("*Shipp*"). Applicants

respectfully traverse this rejection on the grounds that *Shipp* does not disclose, teach, or

suggest all of the claimed elements. More specifically, claim 6, as amended, recites:

> A method comprising:
> receiving an email message comprising a text body, an SMTP email address, an attachment, and a domain name corresponding to the SMTP email address;
> tokenizing the SMTP email address to generate a token representative of the SMTP email address;
> ***tokenizing the attachment to generate a token that is representative of the attachment;***
> tokenizing the domain name to generate a token representative of the domain name; and
> determining a spam probability from the generated tokens.
> **(Emphasis added)**

Applicants respectfully submit that claim 6, as amended, is allowable over the cited art

for at least the reason that *Shipp* fails to disclose, teach, or suggest a "method comprising...

tokenizing the attachment to generate a token that is representative of the attachment" as

recited in claim 6, as amended. More specifically, *Shipp* discloses "[t]he invention is to weed

out candidates for logging so that the normal mail is not logged. This reduces the burden on the

database 23, and improves performance... A simplistic algorithm would be: If mail contains

attachments, do not log (spam mail currently does not contain attachments)" (page 3,

paragraphs [0080] – [0081]). As illustrated in this passage, *Shipp* asserts that spam does not

contain attachments, and thus, an email that includes an attachment can automatically be

labeled as being "normal mail." Therefore, if an email were automatically determined to be

legitimate if the message includes an attachment, it would be counterproductive to tokenize the

attachment. As such, *Shipp* not only fails to disclose "***tokenizing the attachment to generate***

a token that is representative of the attachment," as recited in claim 6, as amended, but in fact teaches away from this claim element. For at least this reason, claim 6, as amended, is allowable and *Shipp* should be disqualified as a reference for this claim.

B. **Claim 23 is Allowable Over *Shipp***

The Office Action indicates that claim 23 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Publication Number 2004/0093384 ("*Shipp*"). Applicants respectfully traverse this rejection on the grounds that *Shipp* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 23, as amended, recites:

> A system comprising:
> email receive logic configured to receive an email message comprising an SMTP email address, a domain name corresponding to the SMTP email address, and an attachment;
> tokenize logic configured to tokenize the SMTP email address to generate a token representative of the SMTP email address;
> **tokenize logic configured to tokenize the attachment to generate a token that is representative of the attachment**;
> tokenize logic configured to tokenize the domain name to generate a token representative of the domain name; and
> analysis logic configured to determine a spam probability from the generated tokens.
> **(Emphasis added)**

Applicants respectfully submit that claim 23, as amended, is allowable over the cited art for at least the reason that *Shipp* fails to disclose, teach, or suggest a "system comprising…

tokenize logic configured to tokenize the attachment to generate a token that is

representative of the attachment" as recited in claim 23, as amended. More specifically,

Shipp discloses "[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance… A simplistic algorithm would be: If mail contains attachments, do not log (spam mail currently does not contain attachments)" (page 3, paragraphs [0080] – [0081]). As illustrated in this passage, *Shipp* asserts that spam does not contain attachments, and thus, an email that includes an attachment can automatically be labeled as being "normal mail." Therefore, if an email were

automatically determined to be legitimate if the message includes an attachment, it would be counterproductive to tokenize the attachment. As such, *Shipp* not only fails to disclose "***tokenize logic configured to tokenize the attachment to generate a token that is representative of the attachment***," as recited in claim 23, as amended, but in fact teaches away from this claim element. For at least this reason, claim 23, as amended, is allowable and *Shipp* should be disqualified as a reference for this claim.

C.   Claim 24 is Allowable Over *Shipp*

The Office Action indicates that claim 24 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Publication Number 2004/0093384 ("*Shipp*"). Applicants respectfully traverse this rejection on the grounds that *Shipp* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 24, as amended, recites:

> A system comprising:
> means for receiving an email message comprising an SMTP email address, a domain name corresponding to the SMTP email address, and an attachment;
> means for tokenizing the SMTP email address to generate a token representative of the SMTP email address;
> ***means for tokenizing the attachment to generate a token that is representative of the attachment***;
> means for tokenizing the domain name to generate a token representative of the domain name; and
> means for determining a spam probability from the generated tokens.

(Emphasis added)

Applicants respectfully submit that claim 24, as amended, is allowable over the cited art for at least the reason that *Shipp* fails to disclose, teach, or suggest a "system comprising… ***means for tokenizing the attachment to generate a token that is representative of the attachment***" as recited in claim 24, as amended. More specifically, *Shipp* discloses "[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance… A simplistic algorithm would be: If mail contains attachments, do not log (spam mail currently does not contain

attachments)" (page 3, paragraphs [0080] – [0081]). As illustrated in this passage, *Shipp*

asserts that spam does not contain attachments, and thus, an email that includes an attachment

can automatically be labeled as being "normal mail." Therefore, if an email were automatically

determined to be legitimate if the message includes an attachment, it would be

counterproductive to tokenize the attachment. As such, *Shipp* not only fails to disclose "***means***

for tokenizing the attachment to generate a token that is representative of the

attachment," as recited in claim 24, as amended, but in fact teaches away from this claim

element. For at least this reason, claim 24, as amended, is allowable and *Shipp* should be

disqualified as a reference for this claim.

    D.   <u>Claim 25 is Allowable Over *Shipp*</u>

The Office Action indicates that claim 25 stands rejected under 35 U.S.C. §102(b) as

allegedly being anticipated by U.S. Publication Number 2004/0093384 ("*Shipp*"). Applicants

respectfully traverse this rejection on the grounds that *Shipp* does not disclose, teach, or

suggest all of the claimed elements. More specifically, claim 25, as amended, recites:

> A computer-readable medium comprising:
> computer-readable code adapted to instruct a programmable device to receive an email message comprising an SMTP email address, a domain name corresponding to the SMTP email address, and an attachment;
> computer-readable code adapted to instruct a programmable device to tokenize the SMTP email address to generate a token representative of the SMTP email address;
> computer-readable code adapted to instruct a programmable device ***to tokenize the attachment to generate a token that is representative of the attachment***;
> computer-readable code adapted to instruct a programmable device to tokenize the domain name to generate a token representative of the domain name; and
> computer-readable code adapted to instruct a programmable device to determine a spam probability from the generated tokens.
> ***(Emphasis added)***

Applicants respectfully submit that claim 25, as amended, is allowable over the cited art

for at least the reason that *Shipp* fails to disclose, teach, or suggest a "system comprising…

means for tokenizing the attachment to generate a token that is representative of the attachment" as recited in claim 25, as amended. More specifically, *Shipp* discloses "[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance… A simplistic algorithm would be: If mail contains attachments, do not log (spam mail currently does not contain attachments)" (page 3, paragraphs [0080] – [0081]). As illustrated in this passage, *Shipp* asserts that spam does not contain attachments, and thus, an email that includes an attachment can automatically be labeled as being "normal mail." Therefore, if an email were automatically determined to be legitimate if the message includes an attachment, it would be counterproductive to tokenize the attachment. As such, *Shipp* not only fails to disclose "*means for tokenizing the attachment to generate a token that is representative of the attachment*," as recited in claim 25, as amended, but in fact teaches away from this claim element. For at least this reason, claim 25, as amended, is allowable and *Shipp* should be disqualified as a reference for this claim.

III.   Rejections Under 35 U.S.C. §103

A.   Claim 1 is Allowable Over *Shipp* in view of *Devine* further in view of *Milliken* further in view of *Anderson* further in view of *Uuencode* further in view of *Gordon* further in view of *Sahami*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Number 6,968,571 ("*Devine*") further in view of U.S. Publication Number 2004/0073617 ("*Milliken*") further in view of U.S. Publication Number 2004/0064537 ("*Anderson*") further in view of http://web.archive.org/web/20021217052047/http://users.rcn.com/wussery/attach.html ("*Uuencode*") further in view of U.S. Patent Number 6,732,157 ("*Gordon*") further in view of "A Bayesian Approach to Filtering Junk E-Mail" ("*Sahami*"). Applicants respectfully traverse this

rejection for at least the reason that *Shipp* in view of *Devine* further in view of *Milliken* further in view of *Anderson* further in view of *Uuencode* further in view of *Gordon* further in view of *Sahami* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

> A method comprising:
> (A) receiving an email message from a simple mail transfer protocol (SMTP) server, the email message comprising:
> > (A1) a 32-bit string indicative of the length of the email message;
> > (A2) a text body;
> > (A3) an SMTP email address;
> > (A4) a domain name corresponding to the SMTP email address;
> > (A5) an attachment;
> (B)   tokenizing the text body to generate tokens representative of words in the text;
> (C) tokenizing the SMTP email address to generate a token representative of the SMTP email address;
> (D) tokenizing the domain name to generate a token that is representative domain name;
> (E) **tokenizing the attachment to generate a token that is representative of the attachment, wherein tokenizing comprises**:
> > (E1) generating a 128-bit MD5 hash of the attachment;
> > (E2) appending the 32-bit string to the generated MD5 hash to produce a 160-bit number; and
> > (E3) UUencoding the 160-bit number to generate the token representative of the attachment;
> (F) **determining a probability value for each of the generated tokens**;
> (G) selecting a predefined number of interesting tokens, the interesting tokens being the generated tokens having the greatest non-neutral probability values;
> (H) performing a Bayesian analysis on the selected interesting tokens to generate a spam probability; and
> (I) categorizing the email message as a function of the generated spam probability.

(Emphasis added)

Applicants respectfully submit that claim 1 is allowable over the cited art for at least the reason that *Shipp* fails to disclose, teach, or suggest a "method comprising… **tokenizing the attachment to generate a token that is representative of the attachment, wherein tokenizing comprises**" as recited in claim 1. More specifically, *Shipp* discloses "[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the

burden on the database 23, and improves performance… A simplistic algorithm would be: If mail contains attachments, do not log (spam mail currently does not contain attachments)" (page 3, paragraphs [0080] – [0081]). As illustrated in this passage, *Shipp* asserts that spam does not contain attachments, and thus, an email that includes an attachment can automatically be labeled as being "normal mail." Therefore, if an email were automatically determined to be legitimate if the message includes an attachment, it would be counterproductive to tokenize the attachment. As such, *Shipp* not only fails to disclose "***tokenizing the attachment to generate a token that is representative of the attachment, wherein tokenizing comprises,***" as recited in claim 1, but in fact teaches away from this claim element. For at least this reason, *Shipp* should be disqualified as a reference in any combination of references for this claim.

Additionally, *Devine* fails to overcome the deficiencies of *Shipp*. More specifically, *Devine* discloses a header of an email "includes the message length 170, which, preferably, is a 32-bit integer providing the total length of the message including all headers" (column 24, line 65). Applicants submit that nowhere does *Devine* disclose tokenizing attachments to generate a token that is representative of the attachment.

Additionally, *Milliken* fails to overcome the deficiencies of *Shipp* and *Devine*. More specifically, *Milliken* discloses generating hash values over blocks of the e-mail message, where the blocks include at least two of a main text portion, an attachment portion , and a header portion" (page 1, paragraph [0013]). Applicants respectfully submit that this is different than claim 1 for at least the reason that generating hash values is different than tokenizing an attachment to generate a token that is representative of the attachment.

Additionally, *Anderson* fails to overcome the deficiencies of *Shipp*, *Devine*, and *Milliken*. More specifically, *Anderson* discloses data payloads containing the identified network transmission items are selectively transmitted on an internal destination node within an internal network" (page 7, paragraph [0076]). Applicants respectfully submit that this is different than

tokenizing an attachment to generate a token that is representative of the attachment and that nowhere else in *Anderson* is this element disclosed.

Additionally, *Uuencode* fails to overcome the deficiencies of *Shipp*, *Devine*, *Milliken*, and *Anderson*. More specifically, *Uuencode* discloses converting a binary file on an ASCII or text file so it can be sent as an attachment to an email message or downloaded from a newsgroup" (page 1, line 14). Applicants respectfully submit that this is completely different than tokenizing an attachment to generate a token that is representative of the attachment. Further, nowhere else does *Uuencode* disclose or suggest this element.

Additionally, *Gordon* fails to overcome the deficiencies of *Shipp*, *Devine*, *Milliken*, *Anderson*, and *Uuencode*. More specifically, *Gordon* discloses "a probability associated with each of the <u>words and/or groups of words</u> [in an email message] is determined using the Bayes rules database" (<u>emphasis added</u>, column, 11, line 27). Applicants respectfully submit that this is different than tokenizing an attachment to generate a token that is representative of the attachment. More specifically, as illustrated in the cited passage, *Gordon* discloses determining a probability of a word or group of words in an email message. However, an attachment may or may not have any associated words or groups of words (*e.g.*, a jpg file, a MPEG file, an executable, *etc.*). Additionally, Applicants respectfully submit that, as illustrated in this passage, *Gordon* fails to disclose "***determining a probability value for each of the generated tokens***" as recited in claim 1. Simply determining a probability associated with words in an email is completely different than performing actions to tokenize an attachment. Because *Gordon* fails to even suggest tokenizing an attachment, *Gordon* cannot disclose determining a probability of a token. For at least these reasons, *Gordon* should be disqualified as a reference for this claim.

Additionally, *Sahami* fails to overcome the deficiencies of *Shipp*, *Devine*, *Milliken*, *Anderson*, *Uuencode*, and *Gordon*. More specifically, *Gordon* discloses "[determining] whether a message has attached documents (most junk E-mail does not have them)… [is] also [a] powerful distinguisher between junk and legitimate E-mail" (page 3, right column, last

paragraph). As illustrated in this passage, *Sahami* appears to disclose determining whether a message has attachments, and if the message does have attachments, using that information as an indicator that the message <u>is not spam</u>. There is nothing in *Sahami* that even remotely discusses tokenizing an attachment, and in fact, because *Sahami* discusses attachments as evidence that a message is not spam, teaches away from this element and should thus be disqualified as a reference. Further, with regard to "***determining a probability value for each of the generated tokens***" *Sahami* also teaches away from this element for at least the reason that if an email message is labeled as legitimate because it includes an attachment, *Sahami* could not determine a probability of a token that is derived from an attachment. For at least these reasons, claim 1 is allowable.

      B.   <u>Claims 11 – 14 and 26 – 29 are Allowable Over *Shipp* further in view of *Gordon* and *Sahami*</u>

The Office Action indicates that claims 11 – 14 and 26 – 29 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2004/0093384 ("*Shipp*") further in view of U.S. Patent Number 6,732,157 Gordon et al., ("*Gordon*") and Non Publication "A Bayesian Approach to Filtering Junk E-Mail" Sahami et al., ("*Sahami*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* further in view of *Gordon* and *Sahami* fails to disclose, teach, or suggest all of the elements of claims 11 – 1 4 and 26 – 29. More specifically, dependent claims 11 – 14 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 6. Further, dependent claims 26 – 29 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 25. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

C. **Claims 15 – 17 and 30 – 34 are Allowable Over _Shipp_ further in view of _Milliken_**

      1. **Claim 30 is Allowable Over _Shipp_ further in view of _Milliken_**

The Office Action indicates that claim 30 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2004/0093384 ("_Shipp_") further in view of U.S. Publication Number 2004/0073617 ("_Milliken_"). Applicants respectfully traverse this rejection for at least the reason that _Shipp_ in view of _Milliken_ fails to disclose, teach, or suggest all of the elements of claim 30. More specifically, claim 30, as amended, recites:

> A system comprising:
> email receive logic configured to receive an email message comprising an attachment;
> ***tokenize logic configured to tokenize the entire attachment to generate a token representative of the attachment***; and
> analysis logic configured to determine a spam probability from the generated token.
> ***(Emphasis added)***

Applicants respectfully submit that claim 30, as amended, is allowable over the cited art for at least the reason that _Shipp_ fails to disclose, teach, or suggest a "system comprising... ***tokenize logic configured to tokenize the entire attachment to generate a token representative of the attachment***" as recited in claim 30, as amended. More specifically, _Shipp_ discloses "[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance... A simplistic algorithm would be: If mail contains attachments, do not log (spam mail currently does not contain attachments)" (page 3, paragraphs [0080] – [0081]). As illustrated in this passage, _Shipp_ asserts that spam does not contain attachments, and thus, an email that includes an attachment can automatically be labeled as being "normal mail." Therefore, if an email were automatically determined to be legitimate if the message includes an attachment, it would be counterproductive to tokenize the attachment. As such, _Shipp_ not only fails to disclose "***tokenize logic configured to tokenize the entire attachment to generate a token***

representative of the attachment," as recited in claim 30, as amended, but in fact teaches away from this claim element. For at least this reason, *Shipp* should be disqualified as a reference in any combination of references for this claim.

Additionally, *Milliken* fails to overcome the deficiencies of *Shipp* and *Devine*. More specifically, *Milliken* discloses generating hash values over blocks of the e-mail message, where the blocks include at least two of a main text portion, an attachment portion , and a header portion" (page 1, paragraph [0013]). Applicants respectfully submit that this is different than claim 30 for at least the reason that generating hash values is different than tokenizing an attachment to generate a token that is representative of the attachment. For at least these reasons, claim 30, as amended, is allowable.

2. Claim 31 is Allowable Over *Shipp* further in view of *Milliken*

The Office Action indicates that claim 31 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2004/0093384 ("*Shipp*") further in view of U.S. Publication Number 2004/0073617 Milliken et al., ("*Milliken*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* fails to disclose, teach, or suggest all of the elements of claim 31. More specifically, claim 31 recites:

> A system comprising:
> means for receiving an email message comprising an attachment;
> **means for tokenizing the attachment to generate a token representative of the attachment**; and
> means for determining a spam probability from the generated token.
> **(Emphasis added)**

Applicants respectfully submit that claim 31 is allowable over the cited art for at least the reason that *Shipp* fails to disclose, teach, or suggest a "system comprising... **means for tokenizing the attachment to generate a token representative of the attachment**" as recited in claim 31. More specifically, *Shipp* discloses "[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and

improves performance… A simplistic algorithm would be: If mail contains attachments, do not log (spam mail currently does not contain attachments)" (page 3, paragraphs [0080] – [0081]). As illustrated in this passage, *Shipp* asserts that spam does not contain attachments, and thus, an email that includes an attachment can automatically be labeled as being "normal mail." Therefore, if an email were automatically determined to be legitimate if the message includes an attachment, it would be counterproductive to tokenize the attachment. As such, *Shipp* not only fails to disclose "***means for tokenizing the attachment to generate a token representative of the attachment***," as recited in claim 31 but in fact teaches away from this claim element. For at least this reason, *Shipp* should be disqualified as a reference in any combination of references for this claim.

Additionally, *Milliken* fails to overcome the deficiencies of *Shipp* and *Devine*. More specifically, *Milliken* discloses generating hash values over blocks of the e-mail message, where the blocks include at least two of a main text portion, an attachment portion , and a header portion" (page 1, paragraph [0013]). Applicants respectfully submit that this is different than claim 31 for at least the reason that generating hash values is different than tokenizing an attachment to generate a token that is representative of the attachment. For at least these reasons, claim 31 is allowable.

3. Claim 32 is Allowable Over *Shipp* further in view of *Milliken*

The Office Action indicates that claim 32 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2004/0093384 ("*Shipp*") further in view of U.S. Publication Number 2004/0073617 ("*Milliken*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* fails to disclose, teach, or suggest all of the elements of claim 32. More specifically, claim 32, as amended, recites:

> A computer-readable medium comprising:
> computer-readable code adapted to instruct a programmable
> device to receive an email message comprising an attachment;

> **computer-readable code adapted to instruct a programmable device to tokenize the entire attachment to generate a token representative of the attachment**; and
>> computer-readable code adapted to instruct a programmable device to determine a spam probability from the generated token.

(Emphasis added)

Applicants respectfully submit that claim 32, as amended, is allowable over the cited art for at least the reason that *Shipp* fails to disclose, teach, or suggest a "computer-readable medium comprising... ***computer-readable code adapted to instruct a programmable device to tokenize the entire attachment to generate a token representative of the attachment***" as recited in claim 32, as amended. More specifically, *Shipp* discloses "[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance... A simplistic algorithm would be: If mail contains attachments, do not log (spam mail currently does not contain attachments)" (page 3, paragraphs [0080] – [0081]). As illustrated in this passage, *Shipp* asserts that spam does not contain attachments, and thus, an email that includes an attachment can automatically be labeled as being "normal mail." Therefore, if an email were automatically determined to be legitimate if the message includes an attachment, it would be counterproductive to tokenize the attachment. As such, *Shipp* not only fails to disclose "***computer-readable code adapted to instruct a programmable device to tokenize the entire attachment to generate a token representative of the attachment***," as recited in claim 32, as amended, but in fact teaches away from this claim element. For at least this reason, claim 32, as amended, *Shipp* should be disqualified as a reference in any combination of references for this claim.

Additionally, *Milliken* fails to overcome the deficiencies of *Shipp* and *Devine*. More specifically, *Milliken* discloses generating hash values over blocks of the e-mail message, where the blocks include at least two of a main text portion, an attachment portion , and a header portion" (page 1, paragraph [0013]). Applicants respectfully submit that this is different than claim 32, as amended, for at least the reason that generating hash values is different than

tokenizing an attachment to generate a token that is representative of the attachment. For at least these reasons, claim 32, as amended, is allowable.

4. Claims 16 – 17 and 33 – 34 are Allowable Over *Shipp* further in view of *Milliken*

The Office Action indicates that claims 16 – 17 and 33 – 34 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2004/0093384 ("*Shipp*") further in view of U.S. Publication Number 2004/0073617 ("*Milliken*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* fails to disclose, teach, or suggest all of the elements of claims 16 – 17 and 33 – 34. More specifically, dependent claims 16 – 17 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 15. Further, dependent claims 33 – 34 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 32. *In re Fine*, Minnesota Mining and Mfg.Co. v. Chemque, Inc., 303 F.3d 1294, 1299 (Fed. Cir. 2002).

5. Claim 15 is Allowable Over *Shipp* further in view of *Milliken*

The Office Action indicates that claim 15 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2004/0093384 ("*Shipp*") further in view of U.S. Publication Number 2004/0073617 ("*Milliken*"). Applicants cancel this claim and consider this issue moot.

D. Claims 19 – 22 and 35 – 38 are Allowable Over *Shipp* in view of *Milliken* and further in view of *Gordon* and *Sahami*

The Office Action indicates that claims 19 – 22 and 35 – 38 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Publication Number 2004/0073617 ("*Milliken*") and further in view of

U.S. Patent Number 6,732,157 ("*Gordon*") and Non Publication "A Bayesian Approach to Filtering Junk E-Mail" ("*Sahami*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* and further in view of *Gordon* and *Sahami* fails to disclose, teach, or suggest all of the elements of claims 19 – 22 and 35 – 38. More specifically, dependent claims 19 – 22 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 15. Further, dependent claims 35 – 38 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 32. *In re Fine*, *Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

IV.   Allegedly Well Known Subject Matter

Additionally, in rejecting claim 1, the Office Action states "Furthermore, UUencoding is a prior art element, as shown in UUencode and MIME FAQ, and thus UUencoding the 160-bit number is combing a prior art element (UUencoding) to known methods (the known methods shown by Shipp in view of Devine, Milliken and Anderson) to yield predictable results" (OA page 7, line 6). Applicants respectfully traverse the alleged finding of well known subject matter and submit that the subject matter noted above should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions, as required. Additionally, Applicants submit that merely providing a reference (or a couple of references) that allegedly discloses the subject matter in question does not rise to an evidentiary level of being well known in the industry. Applicants submit that even if the cited references disclose the subject matter in question (a point that the Applicants are not conceding), presence of that subject matter in a reference does not raise the level of commonality of that subject matter to something of unquestionable fact. For at least this specific and particular reason, Applicants submit that the subject matter in question is not well known in the art.

Applicants additionally submit that particularly in the context of the claimed combination that includes "***tokenizing the attachment to generate a token that is representative of the attachment, wherein tokenizing comprises***," the subject matter in question is too complex for a reasonably skilled person to consider it to be well known to the point that no additional evidence is needed. For at least this additional specific and particular reason, Applicants respectfully submit that the subject matter in question is not well known in the art, respectfully traverse the cited Official Notice, and submit that claim 1 is patentable in view of the cited art.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

_____/afb/_____
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